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UBER TECHNOLOGIES, INC.  
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING  
LLC,  
  
Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF ERIC A. TATE IN  
SUPPORT OF DEFENDANTS UBER  
TECHNOLOGIES, INC. AND  
OTTOMOTTO LLC'S OPPOSITION TO  
WAYMO'S MOTION TO COMPEL  
STROZ-RELATED DISCOVERY**

Trial Date: December 4, 2017

1 I, Eric A. Tate, declare as follows:

2 1. I am a member of the bar of the State of California and a partner with Morrison &  
3 Foerster LLP (“MoFo”), counsel of record for Defendants Uber Technologies, Inc. and Ottomotto  
4 LLC in this action. I am admitted to practice before this Court. I am the co-chair of MoFo’s  
5 Global Employment and Labor Group and regularly litigate employee mobility cases. I submit  
6 this declaration in support of Defendants’ Opposition to Motion to Compel Stroz-Related  
7 Discovery. I have personal knowledge of the facts stated herein and, if called as a witness, I  
8 could and would testify competently as to these facts.

9 2. I was contacted in late January 2016 by in-house counsel for Uber Technologies,  
10 Inc. (“Uber”), to provide legal advice regarding a potential corporate transaction. That  
11 transaction turned out to be Uber’s acquisition of two target companies, Ottomotto LLC  
12 (“Ottomotto”) and Otto Trucking LLC (“Otto Trucking”) (collectively referred to as “Otto”).

13 3. The Court is familiar with the engagement of Stroz Friedberg LLC (“Stroz”) to  
14 conduct an investigation and prepare a report in connection with that acquisition. Accordingly,  
15 this declaration does not set forth those background facts.

16 4. I was Stroz Friedberg’s primary contact for MoFo and for Uber in connection with  
17 that engagement.

18 5. In August 2016 I received the final report prepared by Stroz Friedberg (the “Stroz  
19 Report”) in my capacity as outside counsel for Uber. Prior to that, I never received any drafts of  
20 the Stroz Report. To my knowledge, no one at Uber or MoFo received any drafts of the Stroz  
21 Report.

22 6. As this Court is aware, MoFo previously represented Anthony Levandowski  
23 personally in the two arbitration matters commenced by Google against Mr. Levandowski. As  
24 part of our representation of Mr. Levandowski in those proceedings, Mr. Levandowski authorized  
25 Stroz to release his materials in its possession to our firm to provide him with counsel and to  
26 respond to discovery obligations. In March 2017, MoFo received some of these materials from  
27 Stroz (not all of them) (“the MoFo Sliver”) and began review of them before Mr. Levandowski  
28

1 retained separate counsel. We stopped the review very shortly after we started because of the  
2 change in counsel. These facts are also set forth in my declaration dated July 12, 2017.

3 I declare until penalty of perjury that the foregoing is true and correct. Executed this 17th  
4 day of October, 2017, in San Francisco, California.

5  
6 /s/ Eric A. Tate

Eric A. Tate

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9  
10 **ATTESTATION OF E-FILED SIGNATURE**

11 I, Arturo J. González, am the ECF User whose ID and password are being used to file this  
12 Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Eric A. Tate has  
13 concurred in this filing.

14 Dated: October 17, 2017

/s/ Arturo J. González

Arturo J. González